

Magistrate Judge James P. Donohue

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

ERIC KARL MYSZKE-FRANCIS,

Defendant.

CASE NO. *MJ11-354*

COMPLAINT for VIOLATION

Title 18, U.S.C.
Section 2252A(a)(5)(B)

BEFORE, James P. Donohue, United States Magistrate Judge, U. S. Courthouse, Seattle, Washington.

COUNT ONE
(Possession of Child Pornography)

On or about July 28, 2011, at Seattle, within the Western District of Washington, ERIC KARL MYSZKE-FRANCIS did knowingly possess matter that contained an image of child pornography as that term is defined by Title 18, United States Code, Section 2256, that is, visual depictions the production of which involved the use of minors engaging in sexually explicit conduct, and the visual depictions were of such conduct, that had been mailed and shipped and transported in and affecting interstate and foreign commerce by any means, including by computer, and which had been produced using materials that had been mailed and shipped and transported in and affecting interstate and foreign commerce by any means, including by computer.

1 All in violation of Title 18, United State Code, Section 2252A(a)(5)(B) and
2 2252A(b)(2).

3
4 And the complainant states that this Complaint is based on the following
5 information:

6 I, Thomas Skalski, being first duly sworn on oath, depose and say:

7 1. I am a Special Agent (SA) with the U.S. Department of Homeland Security,
8 Homeland Security Investigations (HSI), assigned to the Office of the Special Agent in
9 Charge (SAC), Seattle, Washington. I have been a Special Agent with HSI, and its
10 predecessor, the Immigration and Naturalization Service (INS), for thirteen and a half
11 years. HSI is responsible for enforcing the customs and immigration laws and federal
12 criminal statutes of the United States. As part of my duties, I investigate criminal
13 violations relating to child exploitation and child pornography, including violations
14 pertaining to the illegal production, distribution, receipt, and possession of child
15 pornography and material involving the sexual exploitation of minors in violation of Title
16 18, United States Code, Sections 2251, 2252(a), and 2252A. I have been investigating
17 these violations for over two and a half years and have received specialized training in
18 investigating child pornography and child exploitation crimes. I have also had the
19 opportunity to observe and review examples of child pornography (as defined in 18
20 U.S.C. § 2256(8)). I have participated in the execution of over two dozen search warrants
21 that involved child exploitation and/or child pornography offenses, and the search and
22 seizure of computers, related peripherals, and computer media equipment. I am a member
23 of the Northwest Regional Internet Crimes Against Children (ICAC) Task Force, which is
24 led by the Seattle Police Department (SPD), and work with other federal, state, and local
25 law enforcement personnel in the investigation and prosecution of crimes involving the
26 sexual exploitation of children. In addition, I also work with foreign law enforcement
27 agencies investigating child pornography and child exploitation crimes.

1 2. As further detailed below, the facts set forth in this Complaint are based on
2 my own personal knowledge; knowledge obtained from other individuals during my
3 participation in this investigation, including other law enforcement officers; review of
4 documents and records related to this investigation; communications with others who
5 have personal knowledge of the events and circumstances described herein; and
6 information gained through my training and experience. In particular, I rely on
7 information provided to me by HSI agents in Louisiana who have been conducting an
8 ongoing investigation of criminal violations pertaining to the illegal advertisement,
9 distribution, receipt, and possession of child pornography, in violation of Title 18, United
10 States Code, Sections 2251 and 2252A. The information set forth below is provided as an
11 overview of the investigation conducted to date. It does not include a listing of all
12 investigative techniques employed or even the full and complete results of any of the
13 listed investigative efforts. Because this complaint is being submitted for the limited
14 purpose of securing an arrest warrant, I have not included each and every fact known to
15 me about this investigation. I have set forth only those facts that I believe are necessary
16 to establish probable cause to support this issuance of the requested warrant. Where
17 statements of others are set forth in this complaint, they are set forth in substance and in
18 part.

19 I. SUMMARY OF INVESTIGATION

20 3. I am investigating the Internet activities of a user known as
21 "SAMSACKK," who most currently resides at an apartment in Redmond, Washington
22 (hereinafter "SUBJECT PREMISES"). As will be shown below, there is probable cause
23 to believe that SAMSACKK possessed child pornography, in violation of federal child
24 exploitation statutes.

1 4. The instant investigation, described more fully below, involves a
2 members-only Internet-based bulletin board, "Bulletin Board A."¹ This bulletin board
3 was dedicated to the advertisement and distribution of hardcore child pornography,
4 including images and videos of infants and prepubescent minors being raped and in
5 distress. "Bulletin Board A" also contained a section for individuals actively producing
6 and trading their own child pornography. Members of "Bulletin Board A" used the main
7 areas of the board and private messages to communicate with each other, and to distribute
8 and discuss child pornography and the sexual exploitation of children. The instant
9 investigation has revealed that SAMSACKK was a member of "Bulletin Board A" and
10 that SAMSACKK accessed "Bulletin Board A" on multiple occasions.

11 II. PROBABLE CAUSE

12 IDENTIFICATION OF "BULLETIN BOARD A"

13 5. In 2009, subjects identified in another child pornography bulletin board
14 investigation participated in proffer sessions with law enforcement and revealed
15 information about additional bulletin boards dedicated to the distribution and
16 advertisement of child pornography, including "Bulletin Board A." "Bulletin Board A"
17 was described as a secured bulletin board containing hardcore child pornography,
18 including images and videos of infants being sexually abused, and also containing a
19 section with images and videos posted by members who produced the material
20 themselves. It was also revealed that "Bulletin Board A" was operated and administered
21 by an individual using the screen name "Administrator A."

22 6. Additional investigation revealed that the domain name associated with
23 "Bulletin Board A" was "http://www.BulletinBoardA.com." and the content of "Bulletin
24 Board A" was hosted on a server owned by Certified Hosting Solutions (hereinafter
25 referred to as CHS), a web hosting company with servers located in Georgia and Nevada.

26
27 ¹ For purposes of the confidentiality and integrity of the ongoing investigations involved in this matter, specific names and other
28 identifying factors have been replaced with generic terms.

1 7. In January 2010 and June 2010, in accordance with the Electronic
2 Communication Privacy Act (ECPA), HSI agents obtained search warrants in the United
3 States District Court in the District of Columbia and obtained copies of "Bulletin Board
4 A," consisting of the entire content of the "Bulletin Board A" website as it existed on the
5 respective dates of seizure. HSI agents reviewed the contents of the website and observed
6 that it was being used to host a password-protected bulletin board devoted to the
7 transmission and discussion of child pornography. In June 2010, at the time "Bulletin
8 Board A" was captured, records indicated that it had approximately 600 validated
9 members and that it was an active board, with members continuing to post links and
10 advertisements to images and videos of child pornography daily. At least one of the
11 members during the enterprise, Edward Oedewaldt, was located in the Western District of
12 Louisiana, and advertised and distributed child pornography from the Western District of
13 Louisiana. "Bulletin Board A" is no longer active.

14 **CHARACTERISTICS OF "BULLETIN BOARD A"**

15 8. Each member of "Bulletin Board A" was identified by a screen name and
16 an avatar, or small picture that was automatically displayed under the user's screen name.
17 "Bulletin Board A" contained thousands of postings and messages containing child
18 pornography and/or advertisements directing members to images and videos of child
19 pornography. More specifically, the postings and messages advertised depictions of nude
20 minors engaged in sexually explicit conduct. Most of the advertisements contained
21 preview images of child pornography that were posted directly on "Bulletin Board A" and
22 also provided a website and password where the actual file(s) could be downloaded.
23 "Bulletin Board A" was divided categorically into different subject areas. Some of these
24 areas included a section specifically for individuals who produced their own child
25 pornography and a section for content containing infants and prepubescent minors being
26 raped and in distress.

27 9. "Bulletin Board A" listed specific rules for prospective members to follow
28 in order to gain membership to the board. In order to gain access to "Bulletin Board A,"

1 an individual was first required to upload a certain amount of child pornography to a
2 separate website, and provide "Administrator A" with preview images and the web
3 address and password for the complete files. "Administrator A" required that the images
4 either contained hardcore activity or nudity, and that the minors depicted were under 13.
5 "Administrator A" stated that membership would not be granted unless these specific
6 rules were followed. Once an individual gained membership, each member could access
7 the board using a login screen name and password.

8 10. Members of the board were segregated into a hierarchy of four membership
9 levels by "Administrator A." Each level of membership permitted access to more content
10 on "Bulletin Board A." An individual could move up in membership level based upon
11 the number and frequency of posts. The highest membership level consisted of
12 individuals who produced their own child pornography material.

13 11. The main webpage of "Bulletin Board A" was divided into five different
14 areas, and within each of these areas were different sections referred to as "forums." The
15 forums generally reflected the type of images or videos contained therein. Some of these
16 forums included:

- 17 a. "Homemade Posts Only"
- 18 b. "PT Vids"
- 19 c. "Boys"
- 20 d. "Super Hardcore"
- e. "Over 14 Videos and pictures"
- f. "Over 18 passwords"
- g. "Chat"

21 In my training and experience, "PT" refers to "pre-teen," and "hardcore" refers to images
22 depicting sexual acts.

23 12. "Bulletin Board A" also contained specific rules for the type of content to
24 be posted in each forum. For example:

25 a. The "Super Hardcore" forum was described as containing material of very
26 young children "getting fucked" and "preteens in distress, and or crying." The rules
27 stated that if the child looks "totally comfortable" then the child is not in distress and the
28 material did not belong in the "Super Hardcore" section.

1 b. The "Homemade Posts Only" forum was described on the main page as a
2 section for only "producers." Within the forum, the rules stated that it was an exclusive
3 section and only individuals that made their own material could access this forum.

4 c. The "PT Vids" section was described on the main board as a section for
5 videos only and the minors depicted could not be over the age of 13.

6 13. Within each forum, members of "Bulletin Board A" could make a posting
7 which was referred to as a "topic." "Bulletin Board A" contained hundreds of topic posts
8 distributing and advertising child pornography. Within these posts, members provided
9 preview images of the child pornography they made available for other members along
10 with the web address and user created password where the complete image collection or
11 video of child pornography could be downloaded.

12 14. Through the board's rules, instructions were provided to all members
13 regarding how to post preview images and how to make the complete images and videos
14 available on another website. Members were instructed to upload the full images or video
15 to a separate website, and were required to create a password in order to download and
16 decrypt the files. In the topic post advertising the child pornography, members were
17 instructed to alter a part of the web address so that it could not function as a hyperlink;
18 this modification required another member, seeking to view the advertised content, to
19 manually enter the web address into an Internet browser and make the appropriate
20 changes for the web address to be valid.

21 15. In addition to making new topic postings, members could also respond to
22 topics posted by other members of the board. Members could also communicate directly
23 with each other through the use of private messages.

24 16. "Bulletin Board A" did advertise a small amount of adult pornography in
25 the "Over 18 Passwords" forum. However, this forum only contained 125 topic posts. In
26 comparison, the "Super Hardcore" forum and "PT Vids" forum each contained 500 and
27 8,794 topic posts, respectively. Thus, "Bulletin Board A" was dedicated primarily to the
28 advertisement and distribution of child pornography.

III. SAMSACKK ON "BULLETIN BOARD A"

17. After the seizure of the "Bulletin Board A" server, the "Bulletin Board A" website was restored in an offline, investigative computer lab. Utilizing this offline version of the bulletin board, HSI agents captured information related to a member using the screen name "SAMSACKK." Included on the board's profile for SAMSACKK were the following statistics:

- a. User joined the bulletin board on April 24, 2010.
- b. User made 53 posts, some of which contained prepubescent child pornography as defined by Title 18, United States Code, Section 2256.
- c. User was assigned to the second level of membership, VIP.
- d. User posted most frequently in the "PT Vids" section.
- e. User supplied the e-mail address "notvalid@notvalid.fake" during member registration.

HSI agents confirmed that some of the 53 posts made by SAMSACKK contained images of child pornography as defined by Title 18, United States Code, Section 2256(8), and that these images featured what appeared to be prepubescent children.

18. On June 15, 2011, SAMSACKK was indicted as a "John Doe" in the Western District of Louisiana for violations of Title 18, United States Code, Sections 2251(d)(1) & (e) (Conspiracy to Advertise the Distribution of Child Pornography) and 2252A(a)(2)(a) & (b)(1) (Conspiracy to Distribute Child Pornography).

19. Law enforcement captured several postings made by SAMSACKK on "Bulletin Board A," including the following:

- a. On April 25, 2010, SAMSACKK posted the following message:

Thank you for the warm welcome Bones!
I agree, there is no other place like dreamboard
Will be working very hard, and hope to provide good content.

- b. On June 7, 2010, SAMSACKK posted the following message:

Thanks! Great post. Loved watching her little butthole open and close as she came.
Very nice!

- c. On June 9, 2010, SAMSACKK posted the following message:

Pedowoman,
First of all, thanks for the killer post of lil' asian girls! LOVE IT

1 Can you re-up A08: Klvn 1202 m3b 11Yo fk.avi (25,1 MB) ?
 2 This series is one of my all-time faves. Willing to wager, lilasians might be
 after that same one in his request above too.

3 20. Law enforcement captured a series of private messages between
 4 SAMSACKK and other members of "Bulletin Board A" that occurred in May 2010. The
 5 content of these private messages included discussion about specific videos and pictures,
 6 membership, rules/directions about how to share videos and pictures, and payment.
 7 These private messages also included discussion about videos/pictures taken in Cambodia
 8 and traveling in the Philippines "for this action." In a particular private message sent to
 9 SAMSACKK on May 23, 2010, one member instructs SAMSACKK:

10
 11 if you get the news about this email add then it means you are not proofed now.
 12 please send me first a proof of you. means, send me a cphc picture with your
 13 signature on it, like: "Hi HMM, 'your signature' greets you" after this i can give
 14 you the payment details. first make a small sale of my content, only for \$10 will be
 15 good enough, then i can be sure you are not a cop. after this you can register on the
 webpage.
 its a protection for my webpage and for my clients, hope you understand this. I
 can give you my payment files or from a woman (its safer) but last longer. payment
 via western union.

16 In my training and experience, "cphc" refers to "child porn hardcore."

17 21. Law enforcement also captured the following postings made by
 18 SAMSACKK on "Bulletin Board A" which contained advertisements offering to
 19 distribute child pornography:

20 a. On May 16, 2010, SAMSACKK posted an advertisement offering to
 21 distribute the file entitled "Piko&Emiko (!!NEW!! Rare trade).mpg.downloading." The
 22 posted advertisement contained a series of color images that appear to be screen/frame
 23 captures of a video with time stamps in the lower left corner of each screen/frame. The
 24 advertisement depicts a white prepubescent female (hereinafter referred to as "child
 25 victim") engaged in sexually explicit conduct. Five of the screens/frames show a frontal
 26 view of the partially nude child victim from her knees/thighs to her neck, seated with her
 27 legs spread apart, fully exposing her vagina. The child victim is wearing only a white
 28 shirt which comes down to just above her waist. In four of these five screens/frames, it

1 appears that an adult's hand is shown in the screen/frame as the adult's finger digitally
2 comes in contact with and penetrates the child victim's vagina. The child victim has little
3 or no pubic development, no visible body hair, appears to be slight in stature, and appears
4 to be six to nine years of age.

5 Below this advertisement SAMSACKK included the password of
6 "samsackkfordreamboard" as well as three download links, each beginning with
7 "http://filesurf.ru/."

8 b. On June 4, 2010, SAMSACKK posted an advertisement offering to
9 distribute the file entitled "p2010trailer_final.mpg." The posted advertisement contained
10 a series of color images that appear to be screen/frame captures of a video with time
11 stamps in the lower left corner of each screen/frame. The advertisement depicts a nude
12 dark-skinned prepubescent female (hereinafter referred to as "child victim") engaged in
13 sexually explicit conduct. At least two of the screens/frames show a frontal view of the
14 child victim, from her knees to below her chest, seated with her legs spread apart on top
15 of a nude adult male as he is lying on his back. In one of the screens/frames, the child
16 victim is being held around the waist by the adult male's hands as the adult male's erect
17 penis penetrates the child victim's vagina. In another screen/frame, the child victim is
18 being held by the adult male's hands as she is shown holding the adult male's erect penis
19 in her hand as a white substance is shown exiting the adult male's penis. The child victim
20 has little or no pubic development, no visible body hair, is slight in stature as compared to
21 the adult male, and appears to be seven to ten years of age.

22 The following caption appears in the first screen/frame:
23 The Original Princess 2010
24 TRAILER
25 you've seen the rest, now see the best

26 Below this advertisement appears the following posting from SAMSACKK,
27 "Young girl gets fucked halfway balls deep." SAMSACKK's posting also included the
28 download link "http://filesurf.ru/186723" and the password of "samsackkfordreamboard."

IV. IDENTIFICATION OF SAMSACKK

22. As a result of information obtained from the seizure of the "Bulletin Board A" server, HSI agents were able to identify IP addresses associated with specific members of "Bulletin Board A." These IP addresses were investigated to determine which physical address was associated with each IP address. Law enforcement identified the member SAMSACKK logging onto the board using the following IP address on the following dates:

- a) 96.240.113.122 between 4/12/2010 and 5/10/2010
- b) 98.117.125.201 between 5/11/2010 and 5/25/2010
- c) 98.117.123.197 between 5/29/2010 and 6/26/2010

23. Using publicly available websites, HSI agents were able to determine that the above IP addresses were operated by the internet service provider (ISP) Frontier Communications.

24. On December 30, 2010, an administrative subpoena/summons was served to Frontier Communications requesting subscriber information related to the user who was assigned to the above IP addresses listed in paragraph 22. Subpoena/summons response from Frontier Communications showed the IP address resolved to an Internet account assigned to ERIC MYSZKE-FRANCIS. The account creation date was July 6, 2009. The address associated with the account was the SUBJECT PREMISES.

25. A subsequent administrative subpoena/summons was served to Frontier Communications on or about June 8, 2011, requesting subscriber information related to MYSZKE-FRANCIS's Internet account. The response from Frontier Communications revealed that the account was deactivated on July 8, 2010.

26. An administrative subpoena/summons was served on or about June 13, 2011, to Facebook, Inc., for records of user information, account status, and IP logs related to a specific Facebook ID number associated with MYSZKE-FRANCIS. The subpoena/summons response from Facebook, Inc., showed that the Facebook ID number related to an ERIC FRANCIS. Further review of the Facebook, Inc., response revealed

1 that from June 5, 2010, through June 22, 2010, MYSZKE-FRANCIS had logged into his
2 Facebook account using IP address 98.117.123.197. This is the same IP address used by
3 SAMSACKK to log into "Bulletin Board A" during one of the time frames indicated in
4 paragraph 22 of this Affidavit.

5 27. On July 5, 2011, I received information from a representative of the United
6 States Postal Service (USPS) that MYSZKE-FRANCIS receives mail at the SUBJECT
7 PREMISES.

8 28. On July 6, 2011, I personally served a DHS subpoena/summons to the
9 Property Manager for the apartment complex in Redmond, Washington, where
10 MYSZKE-FRANCIS resides. I was provided a copy of the Apartment Lease Contract
11 indicating that on July 1, 2011, ERIC FRANCIS (also known as ERIC
12 MYSZKE-FRANCIS), with a date of birth of in 1984, and SSN of XXX-XX-XXXX,
13 signed an Apartment Lease Contract, for lease beginning July 1, 2011, through June 30,
14 2012. The full nine digits of MYSZKE-FRANCIS's Social Security number are known
15 to me, but are redacted for purposes of this Affidavit. I was also provided with a copy of
16 a Recertification Update form, dated and signed by MYSZKE-FRANCIS on June 30,
17 2011. This form indicated that the head of household was ERIC MYSZKE-FRANCIS.
18 The field entitled "Others to Reside in Apartment" was left blank by
19 MYSZKE-FRANCIS. The Property Manager advised me that this information indicated
20 there are no other occupants in this apartment.

21 29. On or about July 7, 2011, an administrative subpoena/summons was served
22 on Frontier Communications for subscriber information relating to a specific IP address
23 and activity on MYSZKE-FRANCIS' Facebook account in March 2011. The subpoena
24 response from Frontier Communications showed the IP address resolved to an Internet
25 account assigned to MYSZKE-FRANCIS at the SUBJECT PREMISES.

26 V. SEARCH WARRANT

27 30. On July 28, 2011, at approximately 0845 hours Pacific Daylight Time
28 (PDT), I was accompanied by HSI SAC Seattle agents and assisting officers from the

1 Redmond, Washington Police Department (RPD) as we served a federal search warrant at
2 the SUBJECT PREMISES.² HSI agents had earlier obtained a key from the apartment
3 complex management staff for the entry door of the SUBJECT PREMISES. I proceeded
4 to knock on multiple occasions on the front door of the residence and there was no
5 answer. I then proceeded to use the key to open the door as HSI agents entered the
6 SUBJECT PREMISES to perform a security search for any threats. It was confirmed that
7 no one was present inside the SUBJECT PREMISES. HSI agents and RPD detectives
8 initiated a search of the SUBJECT PREMISES.

9 31. During the search multiple digital media devices were discovered, to
10 include an Ativa 2 GB USB thumb drive. This thumb drive was found on a desk located
11 in the living room/office inside the SUBJECT PREMISES. A computer forensic preview
12 revealed approximately 21 video files.

13 32. The following are two examples of these video files found on MYSZKE-
14 FRANCIS's digital media:

15 a. Video name: 9yo-SuziQ-00a-strip.mpg. This color video depicts a
16 prepubescent female (hereinafter referred to as "child victim") engaged in sexually
17 explicit conduct. The video is approximately 48 seconds in duration. The video depicts
18 the child victim undressing before the camera until she is nude. At one point the video
19 shows a frontal view of the child victim removing her underpants and revealing her
20 genitalia. The child victim has no visible pubic hair, no visible breast development, is
21 young in appearance and slight in stature, and appears to be seven to nine years of age.

22 b. Video name: 9yo-SuziQ-00b.mpg. This color video depicts a nude
23 prepubescent female (hereinafter referred to as "child victim") engaged in sexually
24 explicit conduct. The video is approximately 36 seconds in duration. The video depicts
25 the nude child victim sitting atop a desk and spreading her vaginal area with her fingers

26
27 ² On July 18, 2011, a Search and Seizure Warrant for the SUBJECT PREMISES was issued by U.S. Magistrate Judge James P.
28 Donohue within the Western District of Washington.

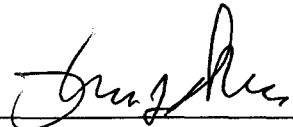
1 while the camera zooms in on the child victim's vaginal area. The child victim then
2 appears to penetrate her vagina with her finger. The child victim has no visible pubic
3 hair, no visible breast development, is young in appearance and slight in stature, and
4 appears to be seven to nine years of age.

5 33. At approximately 1100 hours, I was accompanied by Special Agent Dan
6 Huynh as we arrested MYSZKE-FRANCIS outside his place of employment in
7 Redmond, Washington.

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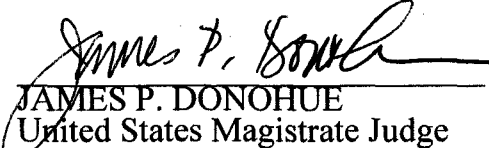
1 **VI. CONCLUSION**

2 34. Based on the above facts, I respectfully submit that there is probable cause
 3 to believe that ERIC KARL MYSZKE-FRANCIS, did knowingly possess matter that
 4 contained an image of child pornography as that term is defined in Title 18, United States
 5 Code, Section 2256(8), that has been mailed, or shipped or transported using any means
 6 or facility of interstate or foreign commerce or in or affecting interstate or foreign
 7 commerce by any means, including by computer, or that was produced using materials
 8 that have been mailed or shipped or transported in or affecting interstate or foreign
 9 commerce by any means, including by computer, in violation of Title 18, United States
 10 Code, Section 2252A(a)(5)(B).

11 
 12 _____
 13 THOMAS SKALSKI, Complainant
 14 Special Agent
 15 U.S. Department of Homeland Security
 16 Homeland Security Investigations

17 Based on the Complaint and Affidavit sworn to before me, and subscribed in my
 18 presence, the Court hereby finds that there is probable cause to believe the Defendant
 19 committed the offenses set forth in the Complaint.

20 DATED this 28th day of July, 2011.

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 22 _____
 23 JAMES P. DONOHUE
 24 United States Magistrate Judge